

111TH CONGRESS
2D SESSION

S. 2974

To establish the Return of Talent Program to allow aliens who are legally present in the United States to return temporarily to the country of citizenship of the alien if that country is engaged in post-conflict or natural disaster reconstruction, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 2, 2010

Mr. LUGAR (for himself and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish the Return of Talent Program to allow aliens who are legally present in the United States to return temporarily to the country of citizenship of the alien if that country is engaged in post-conflict or natural disaster reconstruction, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Return of Talent Act”.

1 **SEC. 2. RETURN OF TALENT PROGRAM.**

2 (a) IN GENERAL.—Title III of the Immigration and
3 Nationality Act (8 U.S.C. 1401 et seq.) is amended by
4 inserting after section 317 the following:

5 “TEMPORARY ABSENCE OF PERSONS PARTICIPATING IN
6 THE RETURN OF TALENT PROGRAM

7 “SEC. 317A. (a) IN GENERAL.—The Secretary of
8 Homeland Security, in consultation with the Secretary of
9 State, shall establish the Return of Talent Program to
10 permit eligible aliens to temporarily return to the alien’s
11 country of citizenship to make a material contribution to
12 that country if the country is engaged in post-conflict or
13 natural disaster reconstruction activities, for a period not
14 exceeding 24 months, unless an extension of time is grant-
15 ed under subsection (d).

16 “(b) ELIGIBLE ALIEN.—An alien is eligible to partici-
17 pate in the Return of Talent Program established under
18 subsection (a) if the alien meets the requirements for a
19 special immigrant under section 101(a)(27)(N).

20 “(c) FAMILY MEMBERS.—The spouse, parents, sib-
21 lings, and any minor children of an alien who participates
22 in the Return of Talent Program established under sub-
23 section (a) may return to such alien’s country of citizen-
24 ship with the alien and reenter the United States with the
25 alien.

1 “(d) EXTENSION OF TIME.—The Secretary of Home-
2 land Security may extend the 24-month period referred
3 to in subsection (a) upon a showing that circumstances
4 warrant that an extension is necessary for post-conflict or
5 natural disaster reconstruction efforts.

6 “(e) RESIDENCY REQUIREMENTS.—A special immi-
7 grant described in section 101(a)(27)(N) who participates
8 in the Return of Talent Program, and the spouse, parents,
9 siblings, and any minor children who accompany such im-
10 migrant to that immigrant’s country of citizenship, shall
11 be considered, during such period of participation in the
12 program—

13 “(1) to be physically present and residing in the
14 United States for purposes of naturalization under
15 section 316(a); and

16 “(2) to meet the continuous residency require-
17 ments under section 316(b).

18 “(f) OVERSIGHT AND ENFORCEMENT.—The Sec-
19 retary of Homeland Security, in consultation with the Sec-
20 retary of State, shall oversee and enforce the requirements
21 of this section.”.

22 (b) TABLE OF CONTENTS.—The table of contents for
23 the Immigration and Nationality Act (8 U.S.C. 1101 et
24 seq.) is amended by inserting after the item relating to
25 section 317 the following:

“317A. Temporary absence of persons participating in the Return of Talent Program.”.

1 **SEC. 3. ELIGIBLE IMMIGRANTS.**

2 Section 101(a)(27) of the Immigration and Nation-
3 ality Act (8 U.S.C. 1101(a)(27)) is amended—

4 (1) in subparagraph (L), by inserting a semi-
5 colon after “Improvement Act of 1998”;

6 (2) in subparagraph (M), by striking the period
7 and inserting “; or”; and

8 (3) by adding at the end the following:

9 “(N) an immigrant who—

10 (i) has been lawfully admitted to the
11 United States for permanent residence;

12 (ii) demonstrates an ability and willing-
13 ness to make a material contribution to the
14 post-conflict or natural disaster reconstruction
15 in the alien’s country of citizenship; and

16 (iii) has been determined by the Secretary
17 of State, in consultation with the Secretary of
18 Homeland Security, to be a citizen of—

19 (I) a country in which the Armed
20 Forces of the United States are engaged,
21 or have been engaged during the 10-year
22 period preceding such determination, in
23 combat or peacekeeping operations;

1 “(II) a country in which authorization
2 for United Nations peacekeeping oper-
3 ations was initiated by the United Nations
4 Security Council during the 10-year period
5 preceding such determination; or

6 “(III) a country which received, dur-
7 ing the preceding 2 years, financial assist-
8 ance from the Office of Foreign Disaster
9 Assistance of the United States Agency for
10 International Development in response to a
11 disaster in such country that is beyond the
12 ability of such country’s response capacity
13 and warrants a response by the United
14 States Government.”.

15 **SEC. 4. REPORT TO CONGRESS.**

16 Not later than 2 years after the date of the enact-
17 ment of this Act, the Secretary of Homeland Security, in
18 consultation with the Secretary of State, shall submit a
19 report to Congress that describes—

20 (1) the countries of citizenship of the partici-
21 pants in the Return of Talent Program established
22 under section 317A of the Immigration and Nation-
23 ality Act, as added by section 2;

1 (2) the post-conflict or natural disaster recon-
2 struction efforts that benefitted, or were made pos-
3 sible, through participation in the program; and

4 (3) any other information that the Secretary of
5 Homeland Security determines to be appropriate.

6 **SEC. 5. REGULATIONS.**

7 Not later than 6 months after the date of the enact-
8 ment of this Act, the Secretary of Homeland Security shall
9 promulgate regulations to carry out this Act and the
10 amendments made by this Act.

11 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated to United
13 States Citizenship and Immigration Services such sums as
14 may be necessary for fiscal year 2011 to carry out this
15 Act and the amendments made by this Act.

○